

Honolulu, Hawaii

FEB 17 2021

RE: S.B. No. 648
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 648 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance or repair activities; and
- (2) Authorize the State to transfer ownership of roads in favor of counties by quitclaim if requested by the county.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that there are roads in Hawaii whose ownership or jurisdiction is disputed between the State and counties. Your Committee further finds that the safety of persons traveling over these so called "roads in limbo" is affected by the lack of maintenance to these roads. Your Committee also finds that neither state nor county agencies are willing to maintain



these roads because the maintenance activities may be construed as assuming ownership and jurisdiction over the disputed roads. This measure allows the state or county to maintain roads without taking on ownership responsibility.

Your Committee has amended this measure by:

- (1) Clarifying that whenever ownership of a public street, road, or highway remains in dispute between the State and the county, any action by a government agency to maintain or repair a public street, road, or highway shall not be used to establish the agency's ownership of, or jurisdiction over, the public street, road, or highway;
- (2) Specifying that the definition of "disputed public street, road, or highway" means any highway, road, alley, street, way, lane, bikeway, bridge, or trail that is open to the public for which there is a dispute over ownership and jurisdiction, as determined by the department of transportation, between the State or any of its political subdivisions and a county or a private party or between a county and a private party; and
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 648, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 648, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 648	PSM, JDC	Feb. 11, 2021
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
NISHIHARA, Clarence K. (C)	/	
ENGLISH, J. Kalani (VC)	/	
BAKER, Rosalyn H.	/	
RIVIERE, Gil	/	
FEVELLA, Kurt		/
TOTAL	4	-
	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Clarence K. Nishihara</div>		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

*Only one measure per Record of Votes